

Poor Law (Ireland) Bill.

MEMORANDUM.

This Bill is introduced to carry out, so far as may be practicable, the reforms advocated in the Report presented to His Excellency the Lord Lieutenant of Ireland by the members of the Vice-Regal Commission on Poor Law Reform in Ireland, on the 10th of October 1906.

The Report (pages 77-78) deals with many changes, involving the abolition of the workhouse system and distribution of the poor requiring the aid of the poor law into classes to be separately provided for in different county institutions, such as almshouses, sanatoria, county nurseries, labour houses, &c., the amalgamation of certain institutions, and reorganisation of the whole poor law system in Ireland. The Commissioners (para. 299 of their Report) recommend the appointment of a Commission (temporary) to draft schemes for the carrying out of these reforms and as the only manner in which they can be carried out.

The present Bill is intended to give effect to this recommendation and is founded on the model of the Educational Endowments (Ireland) Act, 1885, under which a temporary Commission were able to solve with a single exception the vexed questions relating to the whole of the endowed schools in Ireland under like powers of amalgamation, alteration, and abolition, as are recommended by the Commissioners in their Report on Poor Law Reform in Ireland.

Poor Law (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Interpretation of terms.
2. Short title.
3. Commencement of Act.

COMMISSIONERS.

4. Constitution of Commission.
5. Salaries and expenses.
6. Powers of Commissioners.

REQUISITES OF SCHEMES.

7. Saving of interests.
8. Security of benefits in framing schemes.
9. Provision for future alteration of schemes.

PROCEDURE.

10. Preliminary inquiry.
11. Governing body may lodge draft scheme.
12. Printing and publication of draft schemes.
13. Governing body may lodge objections.
14. As to framing of schemes.
15. Approval of Lord Lieutenant to schemes.
16. Proceedings where scheme is remitted.
17. Scheme to be approved by Order in Council. When to be laid before Parliament.
18. Amendment of schemes.
19. Validity of scheme.
20. Inquiry by Commissioner or Commissioners.
21. Power to summon witnesses, &c.
22. Cost of publishing scheme, &c.
23. Poor persons not to be removed to become chargeable to the rates in Ireland after six months' residence in Great Britain.

MISCELLANEOUS.

Clauses.

24. Service of notices.
 25. Service by post.
 26. Annual reports.
 27. Returns, &c., by local authority.
 28. Provision for default of local authority.
 29. Duration of powers of making schemes.
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B I L L

TO

Provide for altering and reforming the administration A.D. 1910.
 of the Poor Law System in Ireland.

WHEREAS it is desirable to amend and reform the poor law system in Ireland:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. For the purposes of this Act unless the context otherwise requires—
Interpretation of terms.

“Local authority” shall mean county council, rural council, urban council, board of guardians of the poor, and any committee or committees formed severally or jointly by such local authorities for the purposes of the poor law:

“The Local Government Board” shall mean the Local Government Board, Ireland:

“The Lord Lieutenant” shall include the Lords Justices or other Chief Governor or Governors of Ireland for the time being:

“The Lord Lieutenant in Council” shall mean the Lord Lieutenant acting by and with the advice of the Privy Council in Ireland:

“The Commissioners” shall mean the Commissioners appointed under this Act, and “Commissioner” shall mean one of such Commissioners.

A.D. 1910.

Short title. 2. This Act may be cited as the Poor Law Ireland Act,

Commencement of Act.

1910. 3. This Act shall, except as herein-after provided, come into operation on the *first day of November nineteen hundred and ten*, which date is in this Act referred to as the commencement 5 of the Act.

COMMISSIONERS.

Constitution of Commissioners.

4. The Commissioners shall be five in number, of whom two (herein-after referred to as the Judicial Commissioners) shall be or shall have been Judges of the Supreme Court of Judicature 10 in Ireland or Recorders or County Court Judges in Ireland and three (herein-after referred to as Assistant Commissioners) shall be persons of experience in local administration in Ireland.

The and the
 are hereby constituted the first Judicial 15
 Commissioners.

The Judicial Commissioners shall hold office during good behaviour, they shall receive no remuneration for their services, and shall not be subjected to any personal liability for costs or otherwise in respect of anything done or omitted by them as 20 such Commissioners.

Every scheme submitted for the approval of the Lord Lieutenant in Council under this Act shall be signed by both the Judicial Commissioners for the time being under their hands.

It shall be lawful for the Lord Lieutenant to appoint the 25 Assistant Commissioners, who shall hold office during his pleasure; and, upon any vacancy occurring by death, resignation, or otherwise in the office of a Judicial or Assistant Commissioner, it shall be lawful for the Lord Lieutenant to supply such vacancy by the appointment of a qualified person. No Assistant 30 Commissioner shall be subjected to any personal liability for costs or otherwise in respect of anything done or omitted by him as such Assistant Commissioner.

The Judicial Commissioners may from time to time, with the approval of the Commissioners of the Treasury, appoint a 35 secretary and such officers, clerks, and servants as they think fit.

The Judicial Commissioners may from time to time prescribe the duties of the Assistant Commissioners and of the secretary, officers, clerks, and servants.

The Commissioners of Public Works in Ireland shall provide a suitable office in Dublin in which the business of the Commission may be transacted. A.D. 1910.

This section shall take effect on the passing of this Act.

5 *5. The Commissioners of the Treasury shall assign such salaries and expenses as they think fit to the Assistant Commissioners, secretary, officers, clerks, and servants appointed under this Act, and the salaries and other expenses incurred under this Act (including the personal and travelling expenses of the Judicial Commissioners, 10 and the travelling expenses of the Assistant Commissioners, secretary, and other officers incurred on the business of the Commission, which shall be paid on scales to be approved by the Treasury), and also any expenses incurred by the Lord Lieutenant in Council under this Act, shall be paid out of moneys to be 15 provided by Parliament.*

6. Subject to the provisions herein-after contained the Commissioners shall have power to prepare draft schemes suggesting the areas which should be assigned to various institutions other than hospitals, that is to say, sanatoria for consumptives, alms-houses, nurseries, auxiliary lunatic asylums, institutions for sane epileptics, and labour houses; for the re-apportionment of parliamentary grants in aid of local taxation, for the employment of poor law officials whose services would be retained, for the employment of such other officials as may be deemed necessary, 20 and for the compensation of officials whose services would be dispensed with, for the reconstitution of the poor law official service, for the closing of any existing institution used for any purpose of the poor law service, or for adapting the land or buildings of any such institution for the purposes of such a scheme, for the adjustment of accounts between local authorities affected by such scheme, and for carrying out the adjustment of such other matters as are incidental to the scheme proposed, 25 and such schemes may be prepared either for a single county or for such groups of counties as the Commissioners may determine. Such schemes may consolidate or divide all existing poor law institutions or remove any of them to different localities, or authorise any local authority or governing body of such institutions to discontinue their authority or control over such institutions, or alter the constitution of such local authority so 30 far as it is a governing body of such institution, or unite two or more existing governing bodies, or transfer such institution 35

Powers of
Commiss-
ioners.

A.D. 1910.

from one governing body to another, or establish new governing bodies for such institution as may be desirable, and incorporate the governing bodies, and vest property for the purposes of this Act in such governing bodies.

A scheme may authorise any local authority or governing body, to sell, demise, exchange, or surrender a lease of any land, or to dispose of any other property vested in them, and may give such directions in relation thereto, and for the application for the purposes of this Act of the money arising therefrom, as the Commissioners shall think fit. 10

Sales, demises, and exchanges of land and the surrender of any lease of land, and other dealings with property authorised by a scheme, shall have the like force and validity as if they had been carried out by the owners of such land, lease, or property.

REQUISITES OF SCHEMES.

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Saving of
interests.

7. In framing schemes the Commissioners shall save or shall make full compensation for the interests of individuals holding any office, place, employment, pension, compensation, allowance, or emolument under or arising out of his or her employment by any local authority or governing body for the purposes of the poor law service at the date of *the passing of this Act*.

Security of
benefits in
framing
schemes.

8. In framing schemes for counties or groups of counties provision shall be made, so far as can be equitably arranged and as the circumstances of each locality require, for extending to the inhabitants of such counties or groups of counties all the benefits comprehended in the powers of this Act. 25

Provision
for future
alteration of
schemes.

9. In any scheme the Commissioners may provide for the alteration of the scheme from time to time by the Local Government Board for Ireland upon application made by any local authority or authorities interested, or of the governing body or bodies of any institution affected, provided such alteration shall not be contrary to anything contained in this Act. 30

PROCEDURE.

Preliminary
inquiry.

10. Before preparing the draft of a scheme for any county or group of counties the Commissioners, if they deem it necessary, may make such public examination or inquiry as they think proper, and shall give the Local Government Board for Ireland and the local authorities interested or governing body or governing bodies of any institution affected an opportunity of being heard. 35 40

11. The Local Government Board for Ireland or any local authority or local authorities jointly and governing body or any governing bodies of any institution affected may within three months after the commencement of this Act give notice in writing of their intention to submit a draft scheme for the consideration of the Commissioners, and if after such notice they submit such a scheme within four months after commencement of this Act the Commissioners shall take it into consideration before preparing their scheme.

A.D. 1910.
Governing
body may
lodge draft
scheme.

12. When the Commissioners have prepared or adopted the draft of a scheme they shall cause it to be printed, and printed copies of it to be sent to the Local Government Board for Ireland, the local authorities interested, and governing body or governing bodies of any institution affected, and shall also cause the draft or a proper abstract thereof to be published in such manner as they think sufficient for giving information to all persons interested.

Printing and
publication
of draft
schemes.

13. During two months after the first publication of the draft of a scheme the Commissioners shall receive any objections made to them in writing by the Local Government Board for Ireland, any local authority, public body, or persons interested respecting such scheme, and any amendments proposed thereon; and at any time after the expiration of such two months the Commissioners, if they think fit, may hold, either collectively or by two or more of their members, a local public inquiry concerning the subject-matter of such scheme.

Governing
body may
lodge
objection.

14. As soon as may be after the expiration of the said two months, or the holding of such inquiry by the Commissioners or by two or more of their members, the Judicial Commissioners shall proceed to consider objections made to them in writing respecting the draft scheme, and any amendments proposed thereon, and thereupon they shall, if they think fit, frame a scheme in such form as they think expedient and submit it for the approval of the Lord Lieutenant in Council; provided that where a scheme has been prepared and submitted in pursuance of this Act to the Commissioners, before the Commissioners have prepared the draft of a scheme the Commissioners shall, if requested by the Local Government Board for Ireland or local authority or governing body who submitted it, submit such scheme with their own to the Lord Lieutenant in Council.

As to
framing of
schemes.

A.D. 1910.

Approval
of Lord
Lieutenant
to schemes.

15. The Lord Lieutenant in Council, as soon as a scheme is submitted to him, shall, before provisionally approving the same, cause the scheme or a proper abstract thereof to be published in such manner as he thinks sufficient for giving information to all persons interested, together with a notice 5 stating that during two months after the first publication of such notice the Lord Lieutenant in Council will receive any objections made to him in writing by the Local Government Board for Ireland or any public body or persons interested respecting such scheme. 10

After the expiration of the said two months the Lord Lieutenant in Council may, if he thinks fit, provisionally approve the scheme, or may remit the scheme, with such declaration as the nature of the case seems to him to require, to the Commissioners, and if he remits the scheme with a declaration the 15 provisions contained in the immediately succeeding section shall apply.

The Lord Lieutenant in Council, as soon as he provisionally approves a scheme, shall forthwith, in such manner as he thinks sufficient for giving information to all persons interested, publish 20 a notice that the scheme has been provisionally approved by him, and that, unless within two months after the first publication of such notice a petition is presented to him as in this section mentioned, such scheme may be finally approved by an Order in Council without being laid before Parliament. 25

During the said two months a petition praying that the scheme may be laid before Parliament may be presented to the Lord Lieutenant in Council by the local authority or authorities interested, or by the governing body or governing bodies of any institution affected, or by any ratepayers (not less than twenty) 30 of any district affected by the scheme, or by any person whose property is injuriously affected thereby.

Proceedings
where
scheme is
remitted.

16. Where a scheme is remitted with a declaration, the Lord Lieutenant in Council shall transmit to the Commissioners any objections made to him in writing respecting such scheme, 35 and the Judicial Commissioners may thereupon proceed to prepare an amended scheme and may submit the same for the approval of the Lord Lieutenant in Council in the same manner and subject to the same provisions as are in this Act provided in the case of the approval of a scheme, and so on from time to 40 time as often as occasion may require.

17. If at the expiration of the time for a petition to the Lord Lieutenant in Council praying that a scheme be laid before Parliament, no such petition has been presented, it shall be lawful for the Lord Lieutenant by Order in Council to declare his approbation of such scheme without the same being laid before Parliament.

A.D. 1910.
Schemes to be
approved by
Order in
Council.
When to be
laid before
Parliament.

If any such petition has been presented, the Lord Lieutenant shall, as soon as may be, cause the scheme to be laid before both Houses of Parliament, and after it has lain two months before Parliament, then unless within such two months a resolution has been adopted by one or other of the said Houses disapproving of such scheme or any part thereof, it shall be lawful for the Lord Lieutenant by Order in Council to declare his approbation of such scheme or any part thereof to which such resolution does not relate.

A scheme, when approved by the Lord Lieutenant in Council, shall have full operation and effect from the date of such Order in Council, in the same manner as if it had been enacted in this Act; and thereupon every Act of Parliament, letters patent, or statute, relating to the subject-matter of the scheme, so far as inconsistent with the provisions thereof, shall be repealed and abrogated.

18. Schemes may be from time to time framed and approved for amending any scheme approved under this Act, and all the provisions of this Act relative to an original scheme shall apply also to an amending scheme, mutatis mutandis.

19. The Order in Council approving a scheme shall be conclusive evidence that such scheme was within the scope of and made in conformity with this Act, and the validity of such scheme and Order shall not be questioned in any legal proceedings whatever.

20. Where the Commissioners hold a local public inquiry under this Act, they shall for that purpose hold a sitting or sittings in some convenient place in the neighbourhood of the place where the institution or institutions to which the scheme relates is situate or administered, and shall thereat take and receive any evidence, oral or documentary, offered, or which may have been called for or produced under the powers contained in the immediately succeeding section, and shall hear and inquire into any objections respecting the scheme or institutions with power from time to time to adjourn any sitting.

Inquiry by
Commissioner or
Commissioners.

A.D. 1910.

Notice shall be published, in such manner as the Commissioners direct, of every such sitting (except an adjourned sitting) fourteen days at least before the holding thereof.

Power to summon witnesses, &c.

21. In the execution of this Act the Commissioners shall have the same powers as a judge of the High Court of Justice with regard to the summoning and examination upon oath of witnesses, and the discovery and inspection of documents; and it shall not be necessary that any summons or order shall be signed by more than one Commissioner; and if any summons or order of the Commissioners in exercise of the said powers is not obeyed, a judge of the High Court of Justice may, on summary application by the Commissioners, make such order as might be made in case of disobedience to a summons or order of the High Court.

This section shall authorise the summoning and examination of witnesses and the discovery and inspection of documents before the Commissioners, and any Commissioner may administer an oath or affirmation, as the case may be, to any witness.

Cost of publishing scheme, &c.

22. *The cost incurred by or under the direction of the Commissioners in publishing and circulating any draft scheme, or scheme, or any abstract thereof, under this Act, other than the cost of any publication in the Dublin Gazette made by order of the Lord Lieutenant in Council or of the Commissioners, shall be paid out of moneys to be provided by Parliament.*

Poor persons not to be removed to become chargeable to the rates in Ireland after six months' residence in Great Britain.

23. On and after the passing of this Act it shall not be lawful for any board of guardians or other authority in Great Britain to remove into Ireland, under the Acts relating to the relief of the poor, any person who shall have become chargeable to the rates after a residence in Great Britain of a period of six months continuously, and section one and subsection one of the Poor Removal Act, 1900, and section four of the Poor Law (Scotland) Act, 1898, are hereby repealed.

MISCELLANEOUS.

Service of notices.

24. Notices and documents required to be served on or sent to a local authority or governing body for the purpose of this Act may be served or sent by being left at the office, if any, of such local authority, or being served on or sent to the chairman, secretary, clerk, or other officer of such body.

Service by post.

25. Notices and documents required to be sent or served for the purposes of this Act may be served or sent by post, and shall be deemed to have been served and received at the time

when the letter containing the same would be delivered in the ordinary course of the post, and in proving such service or sending, it shall be sufficient to prove that the letter containing the notices or documents was properly addressed and put into the Post Office.

26. The Commissioners shall in every year make to the Lord Lieutenant a report of their proceedings under this Act during the preceding year, and the Lord Lieutenant shall cause such report to be laid with all convenient speed before both

10 Houses of Parliament.

27. Every local authority shall make such reports and returns and give to the Commissioners such information as to the income available from grants, rates, and taxes, and the expenditure of the same as the Commissioners may from time to time require. Every local authority shall make such reports and returns, and give such information to the Lord Lieutenant or otherwise as he may from time to time require, and as any scheme framed under this Act may direct.

28. If the local authority fail to give effect to the provisions of any scheme approved under this Act, it shall be lawful for the Lord Lieutenant upon the application of any ratepayers (not less than twenty) of any district affected by the scheme, or upon the report of any inspector in the poor law service, to send a requisition to the local authority requiring them to give effect to the provisions of the scheme; and the local authority shall comply with the said requisition without undue delay, and if they fail, may be summarily compelled to do so by the High Court on application by or at the instance of the Attorney General.

29. The powers of making and approving of a scheme under this Act shall not, unless continued by Parliament, be exercised after the *thirty-first of December one thousand nine hundred and fifteen*: Provided that it shall be lawful for the Lord Lieutenant in Council, if special cause is shown, to extend the time limited by this section with reference to any institutions specified by the Lord Lieutenant. Upon the expiration of the said powers the office of the Commissioners, and of their secretary, officers, and clerks, shall cease; and no Assistant Commissioner, secretary, officer, or clerk, appointed under this Act, shall, by reason of such appointment, be entitled to any compensation, superannuation, or other allowance in respect of his office.

Reports, &c.
by local authority.

Provision
for default
of local
authority.

Duration
of powers
of making
schemes.

Poor Law (Ireland).

A

B I L L

To provide for altering and reforming
the administration of the Poor Law
System in Ireland.

Presented by Mr. Kerr-Smiley,

supported by

*Colonel M'Calmon, Captain Craig,
Mr. Lonsdale, Mr. Moore, Mr. Thomas Corbett,
Mr. Charles Craig, Mr. John Gordon,
Mr. Hugh Barrie, and Captain Cooper.*

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